

News from Ed Markey

United States Congress Massachusetts Seventh District

FOR IMMEDIATE RELEASE

May 7, 2004

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Markey Introduces Legislation to Ensure Access of Blind Community to Television Programming

Washington, D.C. – Rep. Edward J. Markey (D-MA) released the following statement accompanying his introduction of H.R. 4311, the “Video Description Restoration Act of 2004,” legislation that is identical to provisions in Section 9 of Senate bill S.1264, sponsored by Senators John McCain (R-AZ) and Fritz Hollings (D-SC).

“Mr. Speaker, we have a long history in telecommunications policy of trying to ensure that the benefits of technology reach all segments of American society. Our policies, enacted by Congress and implemented by the Federal Communications Commission (FCC), have sought to further the three principal goals of telecommunications policy, namely, universal service, diversity, and localism – even as such policy objectives are buffeted by rapid technological change and competition.

“For instance, in the late 1980s, the Telecommunications Subcommittee enacted legislation to include a decoder chip in all televisions to ensure that the deaf and hard-of-hearing community had affordable access to closed captioning. While the industry opposed such efforts as being too costly, with exaggerated claims of how much the price of televisions would rise as a result of this mandate, the technology cost was minimal and now turns out to be about a dollar a set. The FCC’s video description rules were designed to similarly serve a community, in this case the blind community, in a modest effort to ensure that television was available to that community. Video description is the insertion of narration about the visual setting and background when that information is not already included in the audio portion of the program. Because television is a mainstay for information, news, and family-oriented viewing in the home, it is important that steps are taken, in furtherance of longstanding universal service goals, to reach the blind community.

“This bill would restore the video programming rules. Recently the DC Circuit Court of Appeals invalidated the rules, alleging that the Commission did not have sufficient authority to promulgate such rules. Passage of this legislation would remove any ambiguity. I believe Congress ought to give the Commission clear guidance that such rules should be reinstated in a way that no court could question the intent of Congress that the Commission should have such authority. Moreover, by approving such legislation, Congress can also establish that such video description rules do not regulate content in violation of any Constitutional protections. Broadcasters are free to air

whatever content they wish over the course of a week. The video description rules simply require that a modest portion of such speech be made available to all listeners, including those who cannot see. The regulations would not stipulate which speech is acceptable, favored, or otherwise and broadcasters can choose which speech they wish to make available to the blind community. In fact, rather than infringing upon speech, the rules celebrate it, essentially saying that such speech is so important, so valued, that more Americans deserve to be able to hear it over *their* public airwaves, as broadcast by public licensees who are required by law to serve the public interest.

Mr. Speaker, I hope the House will move legislation this year to re-instate these important video description rules and look forward to working with all of my colleagues on this issue in the weeks and months ahead. I yield back.”

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